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**1997 Wis Eth Bd 20**  
**LOBBYING AND LOBBYISTS**

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The Ethics Board advises that a legislator not accept from a local government that is a lobbying principal reimbursement of expenses the legislator incurred in traveling to Washington, D.C. on the local government's behalf to meet with the state's Congressional representatives to lobby for federal money for a local project. (November 25, 1997)

Facts

- ¶ 1. This opinion is based upon these understandings:
- a. You are a member of the Legislature.
  - b. You are also the volunteer chair of a citizen advisory committee of a local governmental body.
  - c. The local government is a lobbying principal under Wisconsin's lobbying law.
  - d. At the local government's request you recently traveled to Washington, D.C., to meet with state representatives to Congress.
  - e. The purpose of the trip was to lobby for federal money for a local project within the jurisdiction of the local government.
  - f. The local government has offered to reimburse your travel expenses for the trip.

Question

- ¶ 2. The Ethics Board understands your question to be:

May you, consistent with laws administered by the Ethics Board, accept reimbursement of your trip expenses from the local government?

Discussion

¶ 3. The local government is a registered lobbying principal in Wisconsin. For this reason, the answer to your question is governed by Wisconsin's lobbying law. Section 13.625(1)(3), *Wisconsin Statutes*, reduced to its elements, provides:

No elective state official  
May accept anything of pecuniary value  
From a principal.<sup>1</sup>

¶ 4. You are an elective state official. The local government is a lobbying principal. Monetary reimbursement is something of pecuniary value. It is inconsequential that the offered reimbursement is for expenses you incurred on the local government's behalf and that the reimbursement only makes you whole.<sup>2</sup> As the Ethics Board has consistently said, the law's purpose is to draw a clear line barring private economic transactions between state officials and businesses and organizations that pay lobbyists to influence those same officials.<sup>3</sup>

¶ 5. Nor have you demonstrated that any exception to the lobbying law's general prohibition applies. We note that §13.625(7), *Wisconsin Statutes*, provides:

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<sup>1</sup> Section 13.625(3), *Wisconsin Statutes*, provides:

**13.625(3)** No candidate for an elective state office, elective state official, agency official or legislative employe of the state may solicit or accept anything of pecuniary value from a lobbyist or principal, except as permitted under subs. (1)(b)3 and (c), (2), (4), (5), (6), (7), (8), and (9). No personal campaign committee of a candidate for state office may accept anything of pecuniary value from a lobbyist or principal, except as permitted for such a candidate under subs. (1)(b)3 and (c), (2) and (6).

<sup>2</sup> 1996 Wis Eth Bd 6 (an agency official who serves as a member of the board of directors of an organization that employs a lobbyist may not accept reimbursement from the organization for expenses the official incurs in attending the organization's board of directors meetings). The Attorney General has said that the word "furnish," as used in the lobbying law, includes both giving gratuitously as well as exchanging something for fair value. 80 Op. Att'y Gen. 205 (1992); 77 Op. Att'y Gen. 160 (1988); cited with approval at 1996 Wis Eth Bd 7, ¶ 4.

<sup>3</sup> See, e.g., 1996 Wis Eth Bd 7, ¶4, n. 2. The Ethics Board has advised that an elected official should not participate in an investment opportunity by purchasing stock offered by a lobbyist (1991 Wis Eth Bd 3); should not sell stock in a closely held corporation to a lobbyist (1992 Wis Eth Bd 5); and should not provide professional services to a principal or accept any compensation related to services provided by the official's employer to a principal (1992 Wis Eth Bd 26).

**13.625(7)** This section does apply to the furnishing or receipt of a reimbursement or payment for actual and reasonable expenses authorized under s. 19.56 for the activities listed in that section.

¶ 6. Section 19.56, *Wisconsin Statutes*, is a part of the Ethics Code and establishes several exceptions to that statute's restrictions on an official's use of office to obtain anything of substantial value for private benefit or to accept food, drink, lodging, and transportation or reimbursement therefor. We note that section 19.56(3)(a) permits a state official to accept reimbursement of expenses for the presentation of a talk or participation in a meeting related to the discussion of issues involving or affecting state government.<sup>4</sup> Your meeting with the state's Congressional representatives was to lobby for federal money for a local project and not to discuss issues involving or affecting state government processes or proposals or issues initiated by or affecting a state agency.<sup>5</sup>

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<sup>4</sup> Section 19.56(1) and (3)(a), *Wisconsin Statutes*, provides:

**19.56(1)** Every state public official is encouraged to meet with clubs, conventions, special interest groups, political groups, school groups and other gatherings to discuss and to interpret legislative, administrative, executive, or judicial processes and proposals and issues initiated by or affecting a department or the judicial branch.

**(3)** Notwithstanding s. 19.45:

**(a)** A state public official may receive and retain reimbursement or payment of actual and reasonable expenses and an elected official may retain reasonable compensation, for a published work or for the presentation of a talk or participation in a meeting related to a topic specified in sub. (1) if the payment or reimbursement is paid or arranged by the organizer of the event or the publisher of the work.

<sup>5</sup> We note also that 19.56(3)(b), *Wisconsin Statutes*, provides:

**19.56(3)(b)** A state public official may receive and retain anything of value if the activity or occasion for which it is given is unrelated to the official's use of the state's time, facilities, services or supplies not generally available to all citizens of this state and the official can show by clear and convincing evidence that the payment or reimbursement was unrelated to and did not arise from the recipient's holding or having held a public office and was paid for a purpose unrelated to the purposes specified in sub. (1).

However, §13.625(7) refers to "the activities listed" in §19.56. The only "activities" that are listed in §19.56 are those contained in 19.56(1) in connection with which §19.56(3)(a) permits an official to accept expense reimbursement. Moreover, the Attorney General, examining both the statutory language and legislative history of §19.56 has specifically said that the exception in §13.625(7) does not apply to expenses allowed under §19.56(3) other than those in §19.56(3)(a). 80 Op. Att'y Gen. 205, *supra*, 209-12.

Advice

¶ 7. The Ethics Board advises that you not accept from the local government reimbursement of expenses you incurred in traveling to Washington, D.C., on the local government's behalf to meet with the state's Congressional representatives to lobby for federal money for the local project.

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